

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

FILED

AUG 25 2017

Clerk, U. S. District Court
Eastern District of Tennessee
At Chattanooga

Felton E. Lewis, III

Plaintiff *pro se*,

CIVIL ACTION FILE NO

v.

3:17-cv-383
(to be assigned by Clerk)

International Business Machines Corporation
and their Authorized Legal Parties
Kilpatrick Townsend
Jackson Lewis
and their Management Team
Michael Townsend
Renee Cunningham
Thomas Veith
Deborah Surette
Virginia Marie "Ginni" Rometty

**PRO SE EMPLOYMENT RETAILATION, BREACH OF CONTRACT, AND
CONSTRUCTIVE FRAUD COMPLAINT**

Claims and Jurisdiction

1. This Discrimination and Retaliation discrimination lawsuit is brought under Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e et seq., for employment discrimination on the basis of race, color, religion, sex or national origin, and ongoing Retaliation for exercising rights under this status.

2. The additional claims of Breach of Contract and Constructive Fraud are brought forward as “protected activity” versus the defendant and their authorized legal parties (Kilpatrick Townsend and Jackson Lewis). Title VII Prohibits employers and their authorized parties from retaliating against an employee because s/he has “opposed any unlawful practice including Discrimination and Retaliation, or “has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing”.
3. This court has subject matter jurisdiction over this case under the above-listed statutes and under 28 U.S.C. §§ 1331 and 1343.

Parties

4. Plaintiff. Full Name and Address

Felton E. Lewis, III, 7388 OHARA Court, Villa Rica, GA 30180

5. Defendants Full Name and Address

Michael Townsend, Renee Cunningham, Thomas Veith
c/o IBM Office
6303 Barfield Road, Atlanta, GA 30328

Deborah Surette, Virginia Marie “Ginny” Rometti
c/o IBM Corporate Headquarters
1 New Orchard Road, Armonk, New York, 10504-1722

David Gordon
c/o Jackson Lewis Atlanta Office
1155 Peachtree Street N.E. | Suite 1000 | Atlanta, GA 30309

Joel Bush
c/o Kilpatrick Townsend Atlanta Office
1100 Peachtree Street N.E. | Suite 2800 | Atlanta, GA 30309

LOCATION

6. If the alleged Retaliation conduct, or Constructive Fraud, occurred at a location different from the address provided for the defendant(s), state where the retaliation occurred:

Blue Cross Blue Shield of Florida Office
4800 Deerwood Campus Parkway, Jacksonville, FL 32246

Blue Cross Blue Shield of Tennessee Office
1 Cameron Circle, Chattanooga, TN 37402

Jewelry Television, 9600 Parkside Drive, Knoxville, TN 37922

United States District Court Eastern of Tennessee at Knoxville

United States District Court for the Northern District of Georgia

Administrative Procedures

Did you file a charge of discrimination against defendant(s) with the EEOC or any other Federal Agency?

YES – EEOC Atlanta office determined IBM violation in their final determination (Appendix A- EEOC Determination of Discrimination)

7. Have you received a notice of Right-To-Sue Letter from the EEOC for Discrimination?

YES – EEOC Atlanta office issued Right-To-Sue on December 24, 2014 (Appendix B – EEOC Notice of Right to Sue). The Discrimination (only) complaint was filed (Appendix C – Complaint filed in US District Court) in the United States District Court for the North District of Georgia in March of 2015.

8. Did you file charge of Retaliation against defendants(s) with the EEOC or any other Federal Agency?

YES – Continuing Action of Retaliation complaints were filed with the EEOC Atlanta Office in 2014 and 2015. (Appendix D – Retaliation Charges). Also, the Continuing Action of Retaliation complaint was filed with the EEOC Nashville and Atlanta office on February 8, 2016.

9. Have you received a Notice of Right-To-Sue letter from the EEOC?

YES – (Appendix E – EEOC Nashville Notice of Right to Sue)

If you entered “Yes” attach a copy of that letter to complaint and state the date on which you received that letter:

The date received was May 26, 2017

NATURE OF THE CASE

10. List the conduct complained about in the lawsuit versus Defendant(s)

- Working under terms and conditions of employment that differed from other IBM employees
- Continuing Actions of Retaliation from 2013 to 2017
- Termination of Employment prior to EEOC investigation
- Breach of Confidentiality (EEOC Discrimination Complaint)
- Breach of Contract (Skills for Growth Agreement)
- Breach of Contract (Representation and Consulting Agreement)
- Breach of Fiduciary Duty in TN Case No. 3-09-CV-143
- Constructive Fraud and Self-Dealing (Unpaid Commissions)
- Sanctions for not agreeing to disavow the EEOC’s determination

11. I believe I was discriminated and retaliated against and suffered several adverse actions because of the following:

- My race or color which is African American
- My opposition to a practice of my employer that I believe violated the federal anti-discrimination claims or my participation in an EEOC investigation
- Following the IBM Code of Conduct and becoming Essential to clients
- Testifying a second time in TN Case No. 3-09-CV-143
 - https://www.gpo.gov/fdsys/pkg/USCOURTS-tned-3_09-cv-00143/pdf/USCOURTS-tned-3_09-cv-00143-4.pdf
- Correcting a false and misleading prepared response on an interrogatory in TN Case No. 3-09-CV-143

12. Write below, as clearly as possible, the essential facts of your claims(s). Describe specifically, the conduct that you believe was Discriminatory or Retaliatory, and how each defendant was involved. Include any facts which show that the actions you are complaining about were Discriminatory or Retaliatory. Take time to organize your statements; you may use numbered paragraphs if you find that helpful. Do not make legal arguments or cite cases or statutes.

(Attach no more than five additional sheets if necessary; type or write legibly on one side of a page) (Appendix F)

13. Plaintiff no longer works for defendant(s) or their authorized parties

14. If your case goes to trial, it will be heard by a judge unless you elect a jury trial. Do you request a Jury Trial?

YES – Jury Trial Requested

Request for Relief

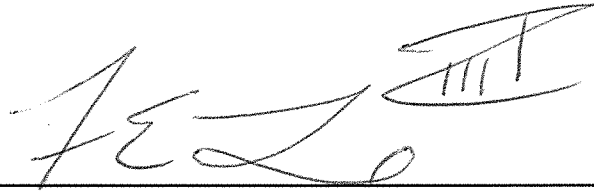
As relief from the allegations of Retaliation, Breach of Contract, Constructive Fraud and the conduct complained about above in section 11, the plaintiff prays that the Court grant the following relief:

- Defendant(s) be directed to not attempt to apply sanctions
- Money Judgement representing compensatory damage by IBM including lost wages, unpaid commissions (\$363K), and service benefits from 2013
- Money Judgement representing liquidated damages for the Defendants, and their authorized parties willful violation of Title VII
- Money judgement for Retaliation from IBM and their authorized parties
- Money judgement for Breach of Contract and unpaid consulting fees
- Money judgement for IBM Constructive Fraud with Kilpatrick Townsend
- Money judgement for publishing the confidential EEOC discrimination charge in TN Case No. 3:09-CV-143-RLJ-HBG and severely damaging my career and brand in the software industry by not sealing or redacting personal identifying information
- Money judgement for the cost of this suit, and all legal fees incurred since 2013 relating to the IBM ISAP Separation Agreement, filling the discrimination complaint.
- Such other relief as appropriate including injunctive

PLEASE READ BEFORE SIGNING THIS COMPLAINT

Before you sign the Complaint and file with clerk, please review Rule 11 of the Federal Rules of Civil Procedure for a full description of your obligation of good faith in filing this Complaint and any motion or pleading in this Court, as well as the sanctions that may be imposed by the Court when a litigant (whether plaintiff or defendant) violates the provision of Rule 11. These sanctions may include an order directing you to pay part or all of the reasonable attorney's fees and other expenses incurred by the defendant(s). Finally, if the defendant(s) is the prevailing party in this lawsuit, costs (other than attorney's fees" may be imposed upon you under Federal Rule of Civil Procedure 54(d)(1).

Signed, this 25th day of August, 2017

A handwritten signature in black ink, appearing to read 'FE L Lewis III', written over a horizontal line.

(Signature of Plaintiff *pro se*)

Felton E. Lewis III

(Printed Name of Plaintiff *pro se*)

7388 OHARA COURT
Villa Rica, GA 30180
404.220.8288